IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 663 OF 2025

Gauri Shivaji Dalvi]
Age:23 years, Occ: Service,]
Residing at 401, Aashiyana CHS,]
Plot No.107/A, CUF Nagar,]
Ratnakar Khare Road,]
Old Panvel, District Raigad – 410 206;] Petitioner
(Orig. Accused No.4)

versus

1. The State of Maharashtra]
Gadhinglaj Police Station,]
Gadhinglaj, Kolhapur.]

2. Sonal Vivek Dalvi]
Age: 31 years, Occ: Service,]
Residing at Village Gijavane,]
Taluka Gadhinglaj, District Kolhapur] (Orig. Complainant)
Respondents

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WITH

CRIMINAL WRIT PETITION NO. 669 OF 2025

1. Shivaji Vithoba Dalvi]
Age: 60 years, Occ: Retired,]

2. Vandana Shivaji Dalvi]
Age: 53 years, Occ: Housewife,]
Both residing at 401, Aashiyana CHS,]
Plot No.107/A, CUF Nagar,]
Ratnakar Khare Road,]
Old Panvel, District Raigad – 410 206;] Petitioners
(Orig. Accused No.2 &3)

versus

1. The State of Maharashtra]
Gadhinglaj Police Station,]
Gadhinglaj, Kolhapur.]

2.	Sonal Vivek Dalvi Age: 31 years, Occ: Service, Residing at Village Gijavane, Taluka Gadhinglaj, District Kolhapur	]]]]	(Orig. Complainant) Respondents

WITH

CRIMINAL WRIT PETITION NO. 671 OF 2025

	Vivek Shivaji Dalvi (Husband) Age: 30 years, Occ: Service, Residing at 401, Aashiyana CHS, Plot No.107/A, CUF Nagar, Ratnakar Khare Road, Old Panvel, District Raigad – 410 206;	]]]]]]	Petitioner (Orig. Accused No.1)
	versus		
1.	The State of Maharashtra	]	
2.	Sonal Vivek Dalvi Age: 31 years, Occ: Service, Residing at Village Gijavane, Taluka Gadhinglaj, District Kolhapur	]]]]	(Orig. Complainant) Respondents

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Mr. Vishal Navale (through V.C.) a/w Mr. Chinmay Deshpande, Advocate for Petitioners.
Mr. Anand S. Shalgaonkar, A.P.P, for Respondent No.1 – State in Writ Petition No.663 of 2025 and Writ Petition No.669 of 2025.
Mr. Pankaj P. Deokar, A.P.P, for Respondent No.1 – State in Writ Petition No.671 of 2025.
Mr. N.B. Inamdar, Advocate for Respondent No.2.
Mr. Vivek Shivaji Dalvi Petitioner in Writ Petition No.671 of 2025 is present.
Ms. Sonali Vivek Dalvi, Respondent No.2 present.

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CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 16, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of the learned Advocates for the respective parties.

2. The learned Advocates appearing for the Petitioner/s and Respondent No.2 jointly submitted that the dispute between the parties has been amicably settled between them before the learned Mediator, Ms. Neelam Punit Gandhi, and that the terms of settlement have been drawn up accordingly. Respondent No.2, Mrs. Sonali Dalvi, has also filed an affidavit dated 7th September 2026, affirming no objection to quashing R.C.C. No. 90 of 2024, pending before the learned Judicial Magistrate First Class, Gadhinglaj, (for short, the '***learned Magistrate***') for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (for short, "the ***I.P.C.***"), as well as the order dated 23rd July 2024 passed in Criminal Miscellaneous Application No.39 of 2024, whereby process was issued against the Petitioner/s for the offences punishable under Sections 85 and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, ***"the B.N.S.")***. In view of the settlement, the learned Advocates jointly prayed for quashing and setting aside the aforesaid proceedings.

3. The Petitioner/s have invoked the inherent jurisdiction of this Court, seeking proceedings for quashing of R.C.C. No.90 of 2024, pending

before the learned Magistrate and the order dated 23rd July 2024 passed in Criminal Miscellaneous Application No.39 of 2024 by the said Court.

4. The learned Advocate for the Petitioners submitted that, in view of the amicable settlement and the affidavit of consent filed by Respondent No.2, the impugned proceedings deserve to be quashed. The learned Advocate for the Petitioner/s, on instructions, *suo motu* and voluntarily, submitted that the Petitioners are ready and willing to deposit Rs.10,000/- with the Legal Services Authority, Circuit Bench at Kolhapur.

5. The learned Advocate for Respondent No.2 supported the submissions advanced on behalf of the Petitioners and submitted that Respondent No.2 has no objection to quashing the proceedings and setting aside the order dated 23rd July 2024.

6. It appears that Respondent No.2 filed a complaint before the learned Magistrate alleging that the Petitioner/s had subjected her to cruelty in connection with a demand for dowry and had ill-treated her. Accordingly, the learned Magistrate, by order dated 23rd July 2024, issued process against the Petitioner/s for offences punishable under Sections 85 and 352 read with Section 3(5) of the B.N.S. Aggrieved thereby, the Petitioner/s have approached this Court by filing these Petitions.

7. During the pendency of these Petitions, this Court, by order dated 14th August 2026, referred the matter to mediation. Accordingly, the

parties have amicably settled the dispute and drawn up the terms of settlement. Respondent No.2 has also filed an affidavit affirming her no objection to quashing the impugned proceedings.

8. By filing the affidavit, Respondent No.2 has given no objection to quashing R.C.C. No.90 of 2024 pending before the learned Magistrate. The petitioner/husband Vivek and Respondent No. 2, along with her father, are present in Court. Their learned Advocates identify them respectively. Respondent No.2 admitted the contents of the Affidavit. The petitioner/husband and Respondent No.2 admitted the terms of the settlement agreement dated 7th September, 2026. The record shows that the parties have amicably resolved the dispute and that Respondent No.2 has received Rs. 6,00,000/- in two instalments pursuant to the settlement.

9. The offences in question arise out of a matrimonial dispute. The nature of the offence is neither heinous nor anti-social; in the facts and circumstances of the case, it does not warrant continuing the prosecution. Thus, I am of the view that continuing the proceedings against the Petitioner/s would serve no purpose. The Petitioner/s have also undertaken to deposit Rs.10,000/- with the Legal Services Authority, Circuit Bench at Kolhapur, towards the costs of setting the criminal law in motion.

10. In view of the nature of the dispute, the settlement arrived at between the parties, and the fact that Respondent No.2 has given no objection

to the quashing of the proceedings, I am of the considered view that the continuation of the proceedings against the Petitioners would amount to an abuse of the process of law and would not serve the ends of justice. In view of the above, this appears to be a fit case for the exercise of this Court's inherent powers.

11. In the result, all the **Petitions are allowed in terms of prayer clause (b)** subject to costs of Rs. 10,000/-, which reads thus;

> *"b. After considering the legality, validity and propriety of the same, this Hon'ble Court may kindly be pleased to issue a writ of certiorari or any other writ, order or direction in the like nature thereby quashing and setting aside the Complaint bearing RCC No. 90 of 2024 filed by Respondent No.2 before the Ld. JMFC, Gadhinglaj, Kolhapur as well as the order dated 23.07.2024 passed in Criminal Misc. Application No. 39 of 2024 by the Ld. JMFC, Gadhinglaj, Kolhapur against the present Petitioners."*

12. The Petitioner/s shall deposit costs of Rs.10,000/- with the Legal Services Authority, Circuit Bench at Kolhapur, within one week from today. If the Petitioner/s fail to deposit the said amount within the stipulated period, the order passed herein shall stand vacated.

13. The Rule is made absolute in the above terms.

14. ***The Petitions are disposed of.***

15. List the Petitions for compliance on **23rd October, 2026.**

(ABHAY J. MANTRI, J.)